APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/069,088	04/29/1998	SHENG LIANG	06502.0129-0	3016

22852   7590   01/18/2005

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EXAMINER
NGUYEN, VAN H

ART UNIT	PAPER NUMBER
2126	

DATE MAILED: 01/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Advisory Action	09/069,088	LIANG, SHENG
	Examiner	**Art Unit**	
	VAN H NGUYEN	2126	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 01 December 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may <u>only</u> be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

<u>PERIOD FOR REPLY [check either a) or b)]</u>

a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☐ The proposed amendment(s) will not be entered because:

 (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);

 (b) ☐ they raise the issue of new matter (see Note below);

 (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

 (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.
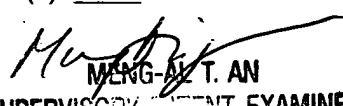 NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet</u>.

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☒ For purposes of Appeal, the proposed amendment(s) a)☐ will not be entered or b)☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

 The status of the claim(s) is (or will be) as follows:

 Claim(s) allowed: <u>none</u>.

 Claim(s) objected to: <u>none</u>.

 Claim(s) rejected: <u>1-6,8-22 and 24-33</u>.

 Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.

10. ☐ Other: _____.

MENG-AI T. AN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER

Continuation of 5. does NOT place the application in condition for allowance because: Applicant's arguments filed December 01, 2004 have been fully considered but they are not persuasive.

1.   In the remarks, Applicant argued that (a) Jackson fails to support the Examiner's rejection of claims 1, 9, 17, and 25; (b) Jackson does not teach "comparing the stored data with register information stored following a previous interrupt", and therefore, claims 8, 16, and 24 are not supported by Jackson; and (c) Jackson fails to provide support for the Examiner's rejection of claim 3, and therefore, the Examiner's rejection of claims 5, 13, and 21 is also unsupported by Jackson.

2.   Examiner respectfully traverses Applicant's remarks:

As to points (a), Jackson teaches determining whether register data corresponding to a selected thread has changed from a previous interrupt of all of the threads (e.g., each time mole program 36 generates a break-point the execution of program 30 is temporarily suspended and monitor function 32 may be utilized to analyze the current state of the registers within application 30; abstract and col.3, lines 45-49); and providing an indication of the change for the selected thread (e.g., these stored indications of the state selected application are then utilized to automatically generate a report including a distribution of the execution times for the selected application; abstract and col.3, lines 45-49). Additionally, Jackson does suggest periodically interrupting execution of all of the threads (e.g., insert a running thread program into the selected application which continuously generates breakpoint interrupts on a periodic basis; abstract and col.3, lines 40-44).

As to points (b), Jackson suggest comparing the stored data with register information stored following a previous interrupt (e.g., the current state of the selected application, including its location counter, is examined and stored. These stored indications of the state of the selected application are then utilized to automatically generate a report including a distribution of the execution times for the selected application; abstract and col.3, lines 45-49). Jackson must compare the stored indications of the state of the selected application to automatically generate a report including the execution times of the selected application.

As to points (c), Jackson does teach computing a value corresponding to the stored data and determining a relationship between the computed value and the previously stored register information (e.g., col.2, lines 20-27 shows automatically generating a report using the stored indications of the state of the selected application; fig.4 shows the values of the report generated. Jackson must computing values (the stored information) to generate the report including the execution times for the selected application).

3.   Accordingly, Jackson meets the limitations as broadly claimed by Applicant.